

Notice of Allowability

Application No.

09/803,009

Examiner

Robert W Wilson

Applicant(s)

MIMURA ET AL.

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/12/2001.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ The drawings filed on 12 March 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DOUGLAS OLMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Art Unit: 2661

DETAILED ACTION

1.0 The application of Mimura et. al. entitled "METHOD OF MONITORING QUALITY OF COMMUNICATION FOR EACH FLOW" filed on 3/12/2001 with priority based upon JAPAN 2000-073924 dated 3/13/2000 was examined. Claims 1-16 are pending.

Allowable Subject Matter

2.0 The present invention is directed to a communication method of monitoring packet switches with a network management system in which a packet switch on the boundary of the network performs the following steps:

Detecting the start of a communication flow by monitoring data in the header associated with a pre-registered condition, acquires statistics on the communication flow, when the switch detects the end of the packet flow it sends locally obtained statistical data to the adjoining packet switch placed down stream, and commanding the adjoining packet switch to collect the statistics data on said identified communication flow to be monitored.

The closest prior art is Schweitzer which is U.S. Patent No.: 6,615,262. Schweitzer discloses detecting the start of a communication flow by monitoring data in the header associated with a recognized or pre-registered condition & acquiring statistics on the communication flow. Schweitzer does not disclose that when the switch detects the end of the packet flow that the switch sends locally obtained statistical data to the adjoining packet switch placed down stream followed by commanding the adjoining packet switch to collect the statistics data on identified communication flow to be monitored.

The closest prior art Schweitzer does not disclose either singularly or in combination anticipate or render the following claim limitation obvious:

"on the occasion when said switch detects the end of the communication in packets constituting said identified communication flow to be monitored, sending a packet partially including the locally obtained statistics data to the adjoining packet switch placed downstream in the route across which the packets constituting said identified communication flow to be monitored have passed and commanding said adjoining packet switch to collect the statistics data on said identified communication flow to be monitored, locally obtained by said adjoining packet switch" as claimed in **Claims 1, 5, 9, & 13.**

In Addition:

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Claims 2-4 are also allowed because they depend upon **Claim 1**.

Claims 6-8 are also allowed because they depend upon **Claim 5**.

Claims 10-12 are also allowed because they depend upon **Claim 9**.

Claims 14-16 are also allowed because they depend upon **Claim 13**.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "comments on Statement of Reasons for Allowance."

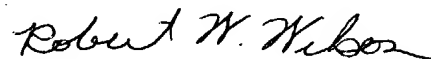
3.0

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W Wilson whose telephone number is 703/305-4102. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Robert W Wilson
Examiner
Art Unit 2661

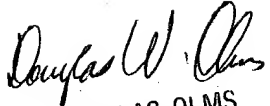
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RWW

August 5, 2004


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